

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

WILLIE L. BROOKS, II,

Petitioner,

v.

PATRICK COVELLO, Acting Warden,

Respondent.

Case No. [20-cv-04421-KAW](#) (PR)

ORDER OF TRANSFER

Petitioner, a state prisoner incarcerated at Mule Creek State Prison, has filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging the housing conditions at Mule Creek State Prison.

A federal petition for a writ of habeas corpus, made by a person in custody under the judgment and sentence of a state court, is properly filed in either the district of confinement or the district of conviction. 28 U.S.C. § 2241(d). The district court where the petition is filed may transfer the petition to the proper district in the furtherance of justice. *Id.* Federal courts in California traditionally have chosen to hear petitions challenging a conviction or sentence in the district of conviction. *Dannenberg v. Ingle*, 831 F. Supp. 767, 767 (N.D. Cal. 1993). However, because petitioner is challenging the conditions at his prison, the proper district in this case is the district of confinement.

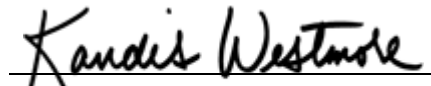
Mule Creek State Prison is located in the Eastern District of California. Accordingly, pursuant to 28 U.S.C. § 1406(a) and Habeas L.R. 2254-3(b), and in the interest of justice, the Clerk of the Court is ordered to TRANSFER this action to the United States District Court for the

1 Eastern District of California.

2 All pending motions are TERMINATED on this Court's docket as no longer pending in  
3 this Court.

4 IT IS SO ORDERED.

5 Dated: July 31, 2020

6 

7 KANDIS A. WESTMORE  
8 United States Magistrate Judge  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

United States District Court  
Northern District of California